

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
MARVIN NELSON,  
Defendant.

No. CR 07-00364 CW  
ORDER FOR PRETRIAL  
PREPARATION FOR  
CRIMINAL  
JURY TRIAL

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Good cause appearing, it is hereby ordered that:

1. TRIAL DATE

a. Jury trial will begin on **January 7, 2008, at 8:30 A.M.**,  
in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, California.

b. The length of trial will be not more than 4 days.

2. DISCOVERY

Both sides will comply with the Federal Rules of Criminal  
Procedure, Crim. L.R. 16-1, and the United States will comply with  
Brady v. Maryland, 373 U.S. 83 (1963) and United States v. Agurs 427  
U.S. 97 (1976).

3. MOTIONS

Pretrial motions shall be noticed for hearing on October 24,  
2007.

1           4.   PRETRIAL CONFERENCE

2           a.    A pretrial conference will be held on Wednesday,  
3 **December 19, 2007, at 2:30 P.M.**, in Courtroom 2. It shall be attended  
4 by the attorneys who will try the case.

5           b.    **Not less than one week prior to the pretrial conference,**  
6 counsel shall comply with Crim. L.R. 17-1(b).

7           c.    Jury instructions §1.1 through §1.12, §3.1 through §3.10  
8 and §7.1 through §7.6 from the Manual of Model Jury Instructions for  
9 the Ninth Circuit (2003) will be given absent objection. Counsel  
10 shall jointly submit one set of additional proposed jury instructions,  
11 ordered in a logical sequence, together with a table of contents,  
12 using the Ninth Circuit Manual where possible, or Devitt and Blackmar  
13 or CALJIC, **not less than one week prior to the pretrial conference.**  
14 Any instructions on which counsel cannot agree shall be marked as  
15 "disputed," and shall be included within the jointly submitted  
16 instructions and accompanying table of contents, in the place where  
17 the party proposing the instruction believes it should be given.  
18 Argument and authority for and against each disputed instruction shall  
19 be included as part of the joint submission, on separate sheets  
20 directly following the disputed instruction. Counsel for the United  
21 States shall submit a verdict form. The attached voir dire will be  
22 given to the venire members. Counsel should submit an agreed upon set  
23 of additional requested voir dire questions to be posed by the Court.  
24 Any voir dire questions on which counsel cannot agree shall be  
25 submitted separately. Counsel will be allowed brief follow-up voir  
26 dire after the Court's questioning. Any motions in limine should be  
27 noticed for hearing at the pretrial conference in accordance with  
28 Criminal Local Rule 47-2.

1           5.     JURY SELECTION

2           The Jury Commissioner will summon 35 to 40 prospective  
3 jurors. The Courtroom Deputy will select their names at random and  
4 seat them in the courtroom in the order in which their names are  
5 called.

6           Voir dire will be asked of sufficient venire persons so that  
7 twelve (plus a sufficient number for alternates) will remain after all  
8 peremptory challenges and an anticipated number of hardship dismissals  
9 and cause challenges have been made.

10          The Court will then take cause challenges, and discuss hardship  
11 claims from the individual jurors, outside the presence of the venire.  
12 The Court will inform the attorneys which hardship claims and cause  
13 challenges will be granted, but will not announce those dismissals  
14 until the process is completed. Peremptory challenges will be made  
15 in writing and passed between counsel in accordance with Crim. L.R.  
16 24-2 and 24-3. The Court will strike the persons with meritorious  
17 hardships, those excused for cause, and those challenged peremptorily,  
18 and call the first twelve people (plus alternates) in numerical  
19 sequence remaining. Those people will be the jury.

20  
21  
22 Dated: 10/24/07

  
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge

JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: \_\_\_\_\_

2. Your age: \_\_\_\_\_

3. The City where you live: \_\_\_\_\_

4. Your place of birth: \_\_\_\_\_

5. Do you rent or own your own home? \_\_\_\_\_

6. Your marital status: (circle one)

single live with partner married separated divorced widowed

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

8. Who is (or was) your employer?

9. How long have you worked for this employer? \_\_\_\_\_

10. Please list the occupations of any adults with whom you live.

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

1 12. Please describe your educational background:

2 Highest grade completed: \_\_\_\_\_

3 College and/or vocational schools you have attended:

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 Major areas of study: \_\_\_\_\_

9 13. Have you ever served on a jury? \_\_\_\_\_ No. of  
10 times? \_\_\_\_\_

11 If yes: State/County Court \_\_\_\_\_ Federal Court \_\_\_\_\_

12 When? \_\_\_\_\_

13 Was it a civil or criminal case? \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 Did any of the juries reach a verdict? \_\_\_\_\_

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18 (Rev. 7/07)

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